

AMENDED IN SENATE APRIL 22, 2003

**SENATE BILL**

**No. 208**

**Introduced by Senator Kuehl**

February 13, 2003

---

An act to add Section 114716 to the Health and Safety Code, relating to radiation.

LEGISLATIVE COUNSEL'S DIGEST

SB 208, as amended, Kuehl. Radiation: contamination.

~~The~~

(1) *The* existing Radiation Control Law requires the State Department of Health Services, among other things, to issue licenses, and prohibits the state department from issuing a license to receive radioactive material for disposal on land unless specified requirements are satisfied. Existing law prohibits any person from burying, throwing away, or disposing of radioactive waste except in a manner that will result in no significant radioactive contamination of the environment.

This bill would require the department to direct a person who owns ~~a site, as defined to mean all parcels of land that comprise or operates~~ the Santa Susana Field Laboratory in Ventura County, ~~for which the department determines that a partial or full reactor meltdown has occurred,~~ *to establish and* use thorough and rigorous monitoring of the site using best available technology, equipment, and methodology, as specified, *to provide assurance that all residual radioactive contamination is identified.*

The bill would ~~prohibit a person from selling, transferring, or leasing that site, for which the department has made that determination, for any subsequent land use unless the site cleanup~~ *require the owner or operator of the site to clean up the site until it meets specified radiation*

~~close~~ cancer risk standards, before selling, transferring, or leasing the site for a subsequent land use. The bill would require ~~that~~ a person who removes material from that site that has radioactive contamination above background to transfer the material to a disposal facility specifically licensed for that type of waste.

*The bill would make legislative findings and declarations regarding the necessity of a special statute.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 114716 is added to the Health and  
2 Safety Code, to read:  
3 ~~114716. (a) The department shall require a person who owns~~  
4 *114716. On and after January 1, 2004, the department shall*  
5 *impose the following conditions on the site consisting of all parcels*  
6 *of land that comprise the Santa Susana Field Laboratory in*  
7 *Ventura County:*  
8 *(a) The owner or operator of the site shall establish and use*  
9 *thorough and rigorous monitoring of the site using best available*  
10 *technology, equipment, and methodology, to provide a high*  
11 *assurance that all residual radioactive contamination is*  
12 *identified. The monitoring required pursuant to this subdivision*  
13 *shall be consistent with those measures provided in the United*  
14 *States Environmental Protection Agency's September 2001 Draft*  
15 *Scoping Document for Development of Workplan for a Soil*  
16 *Radiation Survey of Santa Susana Field Laboratory Area IV, and*  
17 *shall consist of at least 80 percent of the amount of surface and*  
18 *subsurface soil samples identified in that document.*  
19 *(b) Prior to the sale, transfer, or lease of the site for a*  
20 *subsequent land use, the owner or operator of the site shall clean*  
21 *it up to a level that results in a cancer risk no greater than that*  
22 *provided in Section 15 of the "Guidance for Cleanup of*  
23 *Radioactivity on Closing Military Bases for Unrestricted Public*  
24 *Use of Property" issued by the Radiological Health Branch of the*  
25 *department on April 5, 1994.*  
26 *(c) All material that is removed from the site and has*  
27 *radioactive contamination above background shall be transferred*

1 to a disposal facility specifically licensed for that type of waste by  
2 any of the following:

3 (1) The department, pursuant to Chapter 8 (commencing with  
4 Section 114960).

5 (2) The Nuclear Regulatory Commission.

6 (3) A state that has entered into an agreement pursuant to  
7 Section 2021 of Title 42 of the United States Code.

8 (4) An authorized disposal site at a Department of Energy  
9 facility.

10 (d) For purposes of this section, “background” means the local  
11 level of radioactivity resulting from all of the following sources of  
12 radioactivity:

13 (1) Materials in nature without enhancement by human  
14 activity.

15 (2) The fallout from nuclear weapons testing.

16 (3) The local deposition of fallout from past nuclear accidents  
17 located elsewhere in the world, including, but not limited to, the  
18 nuclear accident in Chernobyl.

19 SEC. 2. The Legislature finds and declares that a special law  
20 is necessary and that a general law cannot be made applicable  
21 within the meaning of Section 16 of Article IV of the California  
22 Constitution because of the unique circumstances regarding  
23 radioactivity at Santa Susana Field Laboratory in Ventura County.  
24 a site, for which the department determines that a partial or full  
25 reactor meltdown has occurred on that site, to use thorough and  
26 rigorous monitoring of the site using best available technology,  
27 equipment, and methodology, to provide a high assurance that any  
28 residual contamination is identified. The monitoring of the site  
29 shall be consistent with those measures provided in the United  
30 States Environmental Protection Agency’s September 2001 Draft  
31 Scoping Document for Development of Workplan for a Soil  
32 Radiation Survey of Santa Susana Field Laboratory Area IV. The  
33 department shall require the monitoring measures at the site to  
34 consist of at least 80 percent of the amount of surface and  
35 subsurface soil samples identified in that document.

36 (b) No person shall sell, transfer, or lease a site for which the  
37 department has made the determination specified in subdivision  
38 (a) for any subsequent land use unless the site cleanup meets the  
39 radiation dose standards provided in Section 15 of the “Guidance  
40 for Cleanup of Radioactivity on Closing Military Bases for

1 ~~Unrestricted Public Use of Property” issued by the Radiological~~  
2 ~~Health Branch of the department on April 5, 1994.~~

3 ~~(c) If any person removes material removed from a site for~~  
4 ~~which the department has made the determination specified in~~  
5 ~~subdivision (a) and the material has radioactive contamination~~  
6 ~~above background, the material shall be transferred to a disposal~~  
7 ~~facility specifically licensed for that type of waste by any of the~~  
8 ~~following:~~

9 ~~(1) The department, pursuant to Chapter 8 (commencing with~~  
10 ~~Section H4960).~~

11 ~~(2) The Nuclear Regulatory Commission.~~

12 ~~(3) A state that has entered into an agreement pursuant to~~  
13 ~~Section 2021 of Title 42 of the United States Code.~~

14 ~~(4) An authorized disposal site at a Department of Energy~~  
15 ~~facility.~~

16 ~~(d) For purposes of this section, the following definitions~~  
17 ~~apply:~~

18 ~~(1) “Background” means the local level of radioactivity from~~  
19 ~~nature of like materials without enhancement by human activity,~~  
20 ~~plus the local levels of fallout from nuclear weapons testing and~~  
21 ~~the local deposition of fallout from past nuclear accidents located~~  
22 ~~elsewhere in the world, including, but not limited to, the nuclear~~  
23 ~~accident in Chernobyl.~~

24 ~~(2) “Partial or full reactor meltdown” means an event at a~~  
25 ~~nuclear reactor that results in more than 2 percent of the fuel~~  
26 ~~elements experiencing any melting of fuel or cladding or~~  
27 ~~fuel-cladding eutectic.~~

28 ~~(3) “Site” means all parcels of land that comprise the Santa~~  
29 ~~Susana Field Laboratory in Ventura County.~~